

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOSEPH MITCHELL,

Plaintiff,

v.

C&S WHOLESALE GROCERS, INC., et  
al.,

Defendants.

**ORDER**

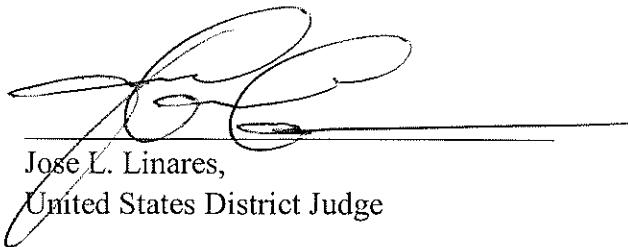
Civil Action No.: 10-2354 (JLL)

Currently before this Court is a motion to dismiss Plaintiff's Amended Complaint filed by Defendant C&S Wholesale Grocers, Inc. in which Defendant Woodbridge Logistics LLC joined. For the reasons set forth in this Court's corresponding Opinion,

It is on this 8th day of July, 2010,

**ORDERED** that Defendants' motion to dismiss (CM/ECF No.5) is GRANTED in part and DENIED in part. The motion is denied with respect to Plaintiff's FLSA claims (Count III) and with respect to C&S's argument that all claims against it should be dismissed. It is granted in all other respects. Counts I, II, IV, V, VI, VII, VIII, and IX are dismissed without prejudice; and it is further

**ORDERED** that Plaintiff shall have twenty (20) days to file an amended complaint curing the deficiencies identified in the Court's corresponding Opinion. If an amendment is not filed within this time, Counts I, II, IV, V, VI, VII, VIII, and IX will be dismissed with prejudice.



Jose L. Linares,  
United States District Judge